

REMARKS

Reconsideration of the instant application is respectfully requested. The present submission is responsive to the Final Office Action of August 11, 2004, in which claims 1-9 and 18 of group I are presently pending. Of the claims under consideration, claims 1-3, 6 and 18 are rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent Publication U.S. 2002/0084507 by Barth, in view of U.S. Patent 6,033,939 to Agarwala, et al. In addition, claim 4 is rejected under 35 U.S.C. §103(a), as being unpatentable over Barth, in view of Agarwala, and in further view of U.S. Patent 6,111,301 to Stamper. Claim 5 is rejected under 35 U.S.C. §103(a), as being unpatentable over Barth, in view of Agarwala, and in further view of U.S. Patent 6,300,233 to Lee, et al. Finally, claims 7-9 are rejected under 35 U.S.C. §103(a), as being unpatentable over Barth, in view of Agarwala, and in further view of U.S. Patent 5,590,460 to DiStefano, et al. For the following reasons, however, it is respectfully submitted that the application is still in condition for allowance.

As an initial matter, claim 18 has been cancelled.

In applying the newly cited Barth reference to the §103 rejections of remaining claims 1-9, the Examiner has taken the position (as stated in paragraph 4 of the present Final Office action) that:

"In regards to claim 1, Barth discloses the following:

a) a conductive layer (11 and 15), said conductive layer completing a conductive path between wiring segments included in a wiring layer (For Example: See Figure 1);

b) material (10) encapsulated underneath said conductive layer and in continuous contact with said conductive layer (For Example: See Figure 1); and..."


However, a review of the Barth reference plainly reveals that layer 15 in Figure 1 is not in fact a conductive layer, but is actually a *dielectric cap*. (See Barth, paragraph [0021], page 2) As such, the Examiner has incorrectly applied the teachings of Barth in arriving at the present §103 rejections of claims 1-9. In other words, the fuse material 10 in Barth is not encapsulated underneath a conductive layer (as specified in the present claims), because layer 15 is not conductive. While Barth does illustrate a conductive copper liner layer 11, it is readily apparent that material 10 sits atop and abuts the sides of conductive layer 11, and thus material 10 could not be considered to be encapsulated underneath layer 11.

Accordingly, even if one skilled in the art would be motivated to combine the teachings of Barth with the teachings of the other references of record (Agarwala, Stamper, Lee, DiStefano), the combination thereof would still not result in the claimed invention. Therefore, the Applicants respectfully request the Examiner reconsider and withdraw the present rejections as to claims 1-9.

For the above stated reasons, it is respectfully submitted that the present application is now in condition for allowance. No new matter has been entered and no additional fees are believed to be required. However, if any fees are due with respect to this Amendment, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,
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